

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

AMEGY BANK NATIONAL ASSOCIATION,§

§

Plaintiff, §

§

v. § CIVIL ACTION NO. H-11-3218

§

MONARCH FLIGHT II, LLC, *et al.*, §

§

Defendants. §

ORDER CLARIFYING AMENDED TEMPORARY INJUNCTION

Pursuant to the bench rulings at the motions hearing conducted on February 1, 2012, (Transcript at Docket No. 107), and this minute entry documenting same, (Docket No. 106), it is clarified that nothing in the Amended Temporary Injunction (Docket No. 88), shall enjoin, stay, proscribe or otherwise impair nonparty Deutsche Bank AG's and/or its affiliate, DB Private Wealth Mortgage Ltd.'s, right to exercise the rights and remedies afforded it in any mortgage, deed of trust, or security deed, including the right to exercise the power of sale and/or foreclosure afforded in:

- that certain Deed of Trust executed by William B. Johnson and Sandra T. Johnson dated July 30, 2009, recorded in Book TD720, Page 650, in the Register's Office of Bedford County, Tennessee encumbering certain property as more specifically described therein, and described in the Amended Temporary Injunction as "(iii) the real estate owned by Johnson and his wife in the Third (3d) Civil District of Bedford County, Tennessee, and collectively identified as Waterfall Farms";
- that certain mortgage recorded on June 5, 2009 in Official Records Book 4459, Page 2531 of the public records of Collier County, Florida; and that certain mortgage

recorded on August 6, 2009 in Official Records Book 4479, Page 2436 of the public records of Collier County, Florida, and described in the Amended Temporary Injunction as "(i) 1035 Spyglass Lane, Naples, Collier County, Florida."

Accordingly, it is hereby ordered that the properties described herein be removed from the constructive trust described in the Amended Temporary Injunction, a copy of which was placed in record with the Register's Office of Bedford County, Tennessee, at Book L16, Page 686, and the original Temporary Injunction, a copy of which was also placed of record with said Register's Office at Book L16, Page 583.

SIGNED on March 13, 2012, at Houston, Texas.



Lee H. Rosenthal
United States District Judge